

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**

Plaintiff,

v.

Civil Action No. 05 10990-DPW

**HARMAN INTERNATIONAL INDUSTRIES,
INCORPORATED**

Defendant.

STIPULATION CONCERNING THIRD PARTY DISCOVERY

Plaintiff, the Massachusetts Institute of Technology (“MIT”), and Defendant, Harman International Industries, Incorporated (“Harman”), (collectively, the “Parties”) seek to avoid the need for third-party discovery. As such, the Parties hereby stipulate as follows:

1. Harman shall provide to MIT (i) the quantity of Harman automobile navigation units imported into the United States, or alternatively, the total quantity of map database CDs licensed for Harman’s U.S. targeted products (agreeing that the latter is a fair proxy for the former); (ii) the identities of, and customer(s) for, such products; and (iii) the technical and functional information that is responsive to MIT’s discovery requests for such products.

2. To the extent MIT accuses such Harman products of infringement, Harman (i) shall not defend against such allegations on the basis that Harman’s customers, and not Harman,

are the importing parties; and (ii) shall stipulate that importation by one of Harman's customers may be treated as importation by Harman itself.

3. Based on Harman's representation that it has as much or more information responsive to MIT's discovery requests about such products than Harman's customers, MIT agrees it will not seek discovery in this case from any Harman customer identified in response to paragraph 1, above.
4. MIT agrees it will not join in this suit, or initiate a separate action against, any Harman customer identified in response to paragraph 1 above, asserting that the products identified in response to paragraph 1 above infringe U.S. Patent No. 5,177,685.
5. Paragraphs 1 through 4 of this stipulation are dependent upon one another, such that no single obligation may be enforced absent fulfillment of the other obligations set forth herein.

Dated: April 6, 2006

Massachusetts Institute of Technology,

By its attorneys,

/s/ Steven M. Bauer

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Respectfully submitted,

Harman International Industries, Inc.,

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